

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MELANIE F. DENNEY,)	
)	Case No. 4:16-cv-03061-JMZ-CRZ
Plaintiff,)	
)	
vs.)	JOINT MOTION TO VACATE
)	FINAL PROGRESSION ORDER
THE GUARDIAN LIFE INSURANCE)	DEADLINES
COMPANY OF AMERICA,)	
)	
Defendant.)	

Defendant The Guardian Life Insurance Company of America and Plaintiff Melanie F. Denney (collectively “the Parties”) respectfully move the Court for an order vacating the remaining Final Progression Order deadlines. In support of their Motion, the Parties offer the following:

1. The Final Progression Order (Doc. 9) was filed on May 11, 2016.
2. The Parties in this case have filed cross-motions for summary judgment (see Docs. 20, 23), which were fully-briefed as of December 29, 2016. The Parties do not believe that there are issues of fact that will preclude the Court from entering summary judgment and believe that this case will be decided on the cross-motions for summary judgment.
3. Per the Final Progression Order, a Pretrial Conference is scheduled to be held on February 28, 2017, and a proposed Pretrial Conference Order and Exhibit List(s) must be submitted to the Court by February 24, 2017. (Doc. 9 ¶ 2.) The case is set for trial on March 13, 2017, or as soon thereafter as practicable. (Doc. 9 ¶ 1.)
4. In light of the cross-motions for summary judgment and the Parties belief that no issues of fact are present, the Parties respectfully request that the Court vacate the remaining deadlines. The Parties assert that vacation of the remaining deadlines is in the interest of judicial

economy and efficiency, and is in the Parties' best interest, as it will avoid the Parties incurring attorneys' fees for the preparation of pretrial filings.

WHEREFORE, the Parties respectfully request the Court to enter an Order vacating the remaining Final Progression Order deadlines.

DATED this 7th day of February, 2017.

THE GUARDIAN LIFE INSURANCE
COMPANY OF AMERICA, Defendant

By: s/ Shilee T. Mullin

Shilee T. Mullin, Bar Number 22286

Attorney for Defendant

Spencer Fane LLP

13520 California Street, Suite 290

Omaha, NE 68154

Telephone: (402) 965-8600

Fax: (402) 965-8601

E-mail: smullin@spencerfane.com

Mark A. Thornhill (*admitted pro hac vice*)

Attorney for Defendant

Spencer Fane LLP

1000 Walnut, Suite 1400

Kansas City, MO 64106

Telephone: (816) 474-8100

Facsimile: (816) 474-3216

E-mail: mthornhill@spencerfane.com

MELANIE F. DENNEY, Plaintiff

By: s/Terri M. Weeks

Terri M. Weeks, #18349

Donald H. Bowman, # 10391

BOWMAN & KRIEGER

1045 Lincoln Mall, Suite 100

Lincoln, NE 68508

Telephone: (402) 476-8005

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically with the United States District Court for the District of Nebraska, this 7th day of February, 2017, with notice of case activity generated and sent electronically to all counsel of record.

/s/ Shilee T. Mullin
Attorney for Defendant